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I. WASHINGTON STATE DEVELOPMENTAL DISABILITIES COUNCIL CHARTER

Approved March 19, 2004

Pursuant to federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, P.L. 106.402, (DD Act), as amended, (hereafter the Act) and Executive Order 96-06, the Washington State Developmental Disabilities Council (hereafter the Council) shall undertake advocacy, capacity building and systemic change activities.

The goal of these activities is to assure individuals with developmental disabilities are able to live independently, productively, with choice and self-determination, and integrated and included in all aspects of community life.

The Council shall produce a State Plan that outlines the performance targets, activities and budget that address this goal and the requirements of the Act.

Membership

The membership of the Council shall be appointed by the Governor and be consistent with the requirements of the Act and the Executive Order.

The members of the Council, with the exception of the representatives of the principal state agencies, shall be appointed to serve for three years. In the case of a vacancy, the appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive three-year terms.

Governance of the Council

The responsibility of the full Council is governance. "Governance" is defined as the development and revision of the internal and external policies directing the work of the Developmental Disabilities Council.

Council policy shall fall into the following groups:

- A. "Do" Policies are Ends, Outcome or Mission-related policies.

These include policies describing what priorities are being addressed, what are the target populations, and what cost or use of resources should be used.

- B. "Don't" Policies are limitations on Executive Director authority.

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These include policies describing those principles of prudence and ethics that limit the choice of means (practices, activities, circumstances, methods) used by the Executive Director.

- C. "Who" Policies describe the Council Executive Director relationship.

These include policies describing the manner in which power is passed to the Executive Director and how the use of that power by the Executive Director will be assessed.

- D. "How" Policies are Council processes.

These include policies describing how the Council conducts its work and how it provides leadership.

The full Council, not individual members or subgroups, is responsible for governance.

Officers

The Council shall have the following officers:

1. Chair

The Governor shall appoint the Council Chair in accordance with Executive Order.

2. First Vice-Chair

The First Vice-Chair shall serve a term of twelve months beginning at the first meeting of the federal fiscal year.

In the case of a vacancy, the Second Vice-Chair shall become the First Vice-Chair for the remainder of the First Vice-Chair's term and serve one additional term.

3. Second Vice-Chair:

The Second Vice-Chair shall be elected by a majority vote of the full Council at a meeting immediately prior to the expiration of or vacancy of the twelve-month term served by the First Vice-Chair. Nominees will be presented at the meeting prior to the vote. Council members will be given an opportunity to nominate additional candidates on the day of the vote. In the case of a vacancy, an election shall be held to fill the remainder of the term.

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The Second Vice-Chair shall serve twelve months in that position, and then will assume the position of the First Vice-Chair. The term of the Second Vice-chair shall begin at the first meeting of the federal fiscal year.

4. Mentor Coordinator

The Council shall have a Mentor Coordinator. The Mentor Coordinator shall be appointed by the Chair and serve a one-year term. In the event of a vacancy, a Mentor Coordinator shall be appointed to fill the remainder of a term. The annual appointment shall be made at the first meeting of the federal fiscal year.

A Council member serving as Mentor Coordinator shall be eligible for re-appointment.

Process to Nominate a Council Chair in the event of a Vacancy

If the Chair of the Council is vacant, the Council will be presided over by the First Vic-Chair until a new Chair is appointed.

The Council shall have a policy and process to nominate names(s) for Council Chair and the Membership Standing Committee shall oversee the process, outlined in the policy, of nomination.

Until the appointment is made by the Governor, the First Vice-Chair of the Council shall assume all the duties and responsibilities of the Chair.

DUTIES OF THE OFFICERS

1. The Chair Shall:

- Appoint the Chairs and members of all standing committees, workgroups, and ad hoc committees of the Council;
- Convene and facilitate the annual (at least) performance evaluation of the Executive Director by the full Council;
- Be an ex-officio member of all standing committees, workgroups and ad hoc committees;
- Convene and facilitate Council meetings;
- Resolve disputes regarding the responsibility of standing committees, workgroups and/or ad hoc committees as they may arise;

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- Act as liaison between the Governor and the Council; and
 - Implement Council policies related to attendance and participation.
2. The First Vice-Chair shall:
- Preside at meetings in the absence of the Chair;
 - Preside at Council meetings in the event the Chair wants to actively participate in the discussion of, or has presentation duties, for a given agenda item;
 - Receive reports of conflict of interest as stated in Policy 401 and;
 - Assume special duties and appointments as needed.
3. The Second Vice-Chair shall:
- Preside at meetings in the absence of the Chair and First Vice-Chair;
 - Preside at Council meetings in the event the Chair or First Vice-chair has presentation duties for a given agenda item; and
 - Assume special duties, represent the Chair and attend meetings as requested.
4. Mentor Coordinator shall:
- Serve on the Membership Standing Committee;
 - Assist the Membership Standing Committee in developing recommendations, to be considered by the full Council, on a plan for ongoing use of Council member mentors, including a method for evaluating the success of the implementation of the plan;
 - Assign mentors and reassign mentors on an ongoing basis as the role(s) of a given Council member changes;
 - Provide guidance and advice to mentors; and
 - Provide education, upon request, to individual Council members, standing committees, workgroups, ad hoc committees and/or the full Council on the subjects of parliamentary rules, how to be an

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effective meeting participant, consensus building, interest based negotiation and conflict resolution.

Prohibition

An officer of the Council shall not make public statements, or advocate a position to legislators, department directors, or other policy makers, which is contrary to a final action approved by the Council.

Meetings

The Council shall approve an annual schedule of meetings by majority vote when quorum is present.

The Council shall meet every other month, or more often at the call of the Council Chair or at the written request of twelve or more members of the Council.

Cancellation or modification of meeting dates shall be at the discretion of the Council Chair; however, the Chair may not cancel a meeting called at the request of Council members without prior written approval of the requesting Council members.

All regular and special meetings of the Council and its standing committees and workgroup shall be open to the public consistent with state law (RCW 42.30.)

QUORUM, VOTING, ATTENDANCE, AND CONDUCT OF BUSINESS

Active and consistent participation in Council, standing committee and workgroup meetings is a responsibility of all members. The Council shall have an attendance policy passed by a majority vote at a meeting where a quorum is present. It shall be the duty of the staff of the Council to maintain attendance records of Council members at meetings and to notify the Chair of attendance by a member(s) inconsistent with the requirements of the Council's attendance policy. It shall then be the duty of the Chair to address any inconsistencies with the attendance policy. It is the responsibility of the Membership Standing Committee to review the policy at least annually and make recommendations, if appropriate, for revision in the policy.

The initial agenda shall be distributed to all members at least two weeks in advance of the meeting.

The initial official agenda shall be the official agenda for meeting the requirements of the Public Open Meetings Act. Generally, the agenda items should come through a standing committee, workgroup, ad hoc committee or any action item requested by seven or more members of the Council.

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Any material related to an agenda item that is submitted four weeks or more prior to a meeting shall be included as an attachment to the agenda. At the time of a meeting the full Council may, as it deems appropriate, remove an item from the agenda, act on it, table it, or refer it to a standing committee, workgroup, ad hoc committee or the Executive Director.

All "final actions" items must be so noted on the official agenda and final action items cannot be added to the official agenda of the Council once it is published.

All motions for "final action" of the Council must be submitted in writing and read to the Council prior to vote. All "final action" must be approved by a majority vote (except as otherwise specified in the Charter) of those present at a Council meeting for which there is a quorum. The vote must be recorded in the minutes.

The Council shall have written parliamentary procedures to be used by the Council in conducting its business including, but not limited to, rules for meeting conduct and a Council member code of ethics.

MINUTES OF MEETINGS

The Council staff shall record, distribute, and maintain minutes of all meetings of the Council, its standing committees, workgroups and ad hoc committees.

SUB-ORGANIZATIONS

It shall be the policy of the Council, through the Chair, to use appointed standing committees, workgroups, and ad hoc committees to develop recommendations related to governance responsibilities, for consideration by the full Council, so that the full Council can, to the maximum extent possible, use its time on "action items".

A *standing committee* is a sub-organization of the Council established on an ongoing basis to make recommendations to the full Council involving a category of governance responsibilities.

The Council shall have a Governance Standing Committee, a Membership Standing Committee, and a Public Policy Standing Committee. The responsibilities of each Standing Committee are described in Appendix A to the Charter and these can be amended by a simple majority vote of the full Council.

A *workgroup* is a sub-organization of the Council established to organize the governance responsibilities of the State Plan on an issue-oriented basis.

The general responsibilities of a workgroup are described in Appendix B to the Charter. The full Council can determine how many workgroups the Council shall

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have and amend the general responsibilities by a simple majority vote of the full Council.

An *ad hoc committee* is a sub-organization of the Council established on a time-limited basis to make recommendations to the full Council involving a governance responsibility or a category of governance responsibilities.

The Chair may appoint such ad hoc committees as may be needed to conduct governance responsibilities.

Each Council member shall be appointed to one standing committee and one workgroup. Membership on standing committees and workgroups shall, to the extent possible, be equal in number. The composition shall, to the extent possible, reflect the diversity of the Council.

Four members shall constitute a quorum for standing committees and workgroups.

The Council Chair appointed the Chairs of the Standing Committees and Workgroups. A Council member shall not serve as chair of more than one Standing Committee and the chair of Standing Committee is ineligible to serve as a chair of a workgroup.

A Council member shall not serve as chair of more than one workgroup and a chair of a workgroup is ineligible to serve as a chair of a standing committee.

A chair of a standing committee or workgroup shall serve a one-year term. A chair of a standing committee or workgroup is eligible for reappointment. In the event of a vacancy, a chair shall be appointed to fill the remainder of a term. Annual appointments shall be made at the first meeting of the federal fiscal year.

The Council shall determine the length of the appointment for the chair and members of an ad hoc committee and whether non-Council members will be included in a particular ad hoc committee. The Council shall approve a written statement of the nature and scope of an ad hoc committee as well as the number of members and what constitutes a quorum for the purposes of their meetings. The statement shall include an ending date for the work of the ad hoc committee. At the ending date, the ad hoc shall conclude its work or seek reauthorization for its work from the full Council. There is no limitation on the number of ad hoc committees on which a Council member may serve as a member or a chair.

Only members of standing committees, workgroups and ad hoc committees shall be permitted to vote and to have their expenses reimbursed by the Council.

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Recommendations of a standing committee, workgroup or ad hoc committee must be committed to writing, read to its members prior to a vote, and approved by a majority of members present at a meeting for which there is a quorum and for which proper notice (including date, time, place and agenda items) is given to all members.

Changes to the recommendations of a standing committee, workgroup, or ad hoc committee shall only be made at a meeting for which proper notice (including date, time, place and agenda item) was given to all members or at a Council meeting where the recommendations are a part of the agenda.

The Executive Director shall be responsible for designating staffing for standing committees, workgroups, and ad hoc committees.

REASONABLE ACCOMMODATION

- A. The Council shall have written policies on reasonable accommodation that comply with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.
- B. The policy shall address but not be limited to:
 - 1. Availability of independent expertise on accommodating board participation;
 - 2. A fair, impartial and internal (to the Developmental Disabilities Council) complaint procedure;
 - 3. Availability of a written individualized accommodation plan when requested by a member;
 - 4. An overall plan to comply with federal law described above; and
 - 5. Training for Council members and staff on their role in providing accommodation.
- C. The Council shall hold its meeting and the activities it sponsors in facilities that meet the requirements of the Americans with Disabilities Act, RCW 49.60 and other applicable state or local policies. At meetings the Council holds or sponsors, reasonable accommodations shall be provided so that all members can participate.

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COMPLAINT PROCEDURE

The Council shall have a procedure for handling formal complaints.

COMPENSATION OF THE COUNCIL

The members of the Council, who are not representing principal state agencies, shall be entitled to approved expenses according to federal and state rules and regulations.

MANAGEMENT

The Executive Director is responsible to the full Council for the management of the Council. Management is defined as the performance of the activities necessary to implement the policies approved by the full Council. The Executive Director is accountable to the full Council for achieving "Do" policies (see section III.A) and not violating "Don't" policies (see section III.B).

The full Council shall conduct a performance evaluation of the Executive Director at least annually (based on the federal fiscal year) for the purpose of assessing the degree to which policy outcomes were achieved by management.

In order to assure the Council "speaks with one voice", the Executive Director, within the parameters set forth in policy approved by the full Council, has the sole responsibility of authorizing staff or Council members to represent or speak on behalf of the Council.

The use of the terms "task force", "coalition", "association", "advisory group", or "advisor" shall be reserved for use by the Executive Director to describe individuals or entities engaged in management responsibilities.

Responsibility for the nature, use, number and scope of task forces, coalition, associations, advisory groups and advisors is delegated to the Executive Director, within the constraints of the Council approved budget and other related policies. The Chair and the Executive Director may, on an exception-to-policy basis, approve the expenses for non-Council participants.

AMENDMENTS

Amendments to Council Charter may be presented by any member of the Council at meetings of the Council for consideration and adoption or rejection at the following meeting. Adoption of amendments to the Charter shall require the approval of a two-thirds majority of those present and voting at the meeting of the Council at which a proposed amendment is to be considered.

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Appendix A

Responsibilities of the Standing Committees of the Council:

Governance Standing Committee shall:

1. Review formal complaints involving alleged violations of the DD Act, the Council Charter and the procedures, or Council-approved policies by members and make a recommendation for action to the full Council;
2. Remind the Council, on at least an annual basis, to assess its own performance and make recommendations for improvement as appropriate;
3. Make recommendations to the Council regarding the development, revision, or elimination of policies in the categories of "Don't", "Who", and "How" (See section III A, B, C, and D.)
4. Update and revise the Council Charter, including governance responsibilities, as necessary and make recommendations to the Council as appropriate;
5. Propose changes to the Executive Director Evaluation Criteria and Process and submit proposed changes to the full Council for approval;
6. Appoint Council member(s) to perform a direct inspection should the Council decide to review Executive Director's compliance with fiscal or budget policy established by the Council; and
7. Review, update and make recommendations to the full Council regarding governing documents including, but not limited to the Council Charter and Governance Committee responsibilities in addition to written parliamentary procedures, rules for meetings and the Council member Code of Ethics.

Membership Standing Committee shall:

1. Assist the Council in determining the kind and quantity of diversity, skills and experience that is needed in each recruitment "class" of new Council members in order to "fill the gaps" in Council membership, assure the interviewing of potential members, and forward names of candidates to the Governor after reviewing with the full Council how the candidates "fill the gaps" in Council membership.
2. Maintain information about the skills, experience and interests of current members for use by the Council Chair in making appointments to committees, workgroups, and other internal or external committees or workgroups;
3. Perform responsibilities related to nominating a Council Chair as outlined in the Charter;
4. Solicit ideas and suggestions for the orientation, the annual development day, and ongoing education of members;

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5. Assure the planning/facilitation of the new member orientation session(s), the planning/facilitation of the annual member development day, and assure all members complete a member Individual Development Plan annually;
6. Assure that each member who wishes a mentor has a mentor assigned to them;
7. Annually evaluate and review the Council's new member orientation, individual development plan process and mentor program and make necessary improvements to those programs;
8. Conduct ongoing surveys of Council members to determine satisfaction with their participation on the Council and evaluate the feedback regarding ways to address issues or concerns that are identified; and
9. Recommend to the Council revisions in the attendance policy and enforce its requirements.

Public Policy Standing Committee shall:

1. Provide input to the Executive Director or designee on proposed agendas for Council meetings.
2. Make recommendations to the Council for "Do" policies responding to public policy issues;
3. Develop and recommend the Council's annual legislative agenda for consideration by the full Council;
4. Review ongoing and emerging legislation, rules, policies and issues and make policy recommendations to the full Council;
5. Monitor federal legislation and make policy recommendations to the full Council; and
6. Monitor the developmental disabilities service systems and make policy recommendations to the full Council.

Appendix B

Workgroups shall

Based on feedback from individuals with developmental disabilities and their families, workgroups:

Develop and oversee the implementation of the State Plan focused on the areas assigned to the workgroup;

Make recommendations to the Council related workgroup's assigned issues for the purpose of formulating a proactive Legislative agenda; and

Make recommendations to the Council, establishing guidelines and criteria for responding to the legislative initiatives (related to workgroup's assigned issues) of others.